

Appl. No. 10/010,047
Reply to Office Action dated June 1, 2005

Docket No.: 1232-4794

REMARKS

Reconsideration of the above-identified application in view of the foregoing amendments and following remarks is respectfully requested.

Claim Status

Claims 1-4 are pending and are rejected. Claims 1, 2 and 3 are amended and new claim 5 has been added. Claims 1 and 5 are independent in form. No new matter has been presented.

Rejections Under 35 U.S.C. § 102(b)

Claim 1-4 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Itoh, U.S. Patent No. 5,734,483 ("Itoh").

The Examiner has taken the position that Itoh discloses the image reading apparatus as claimed.

Applicant does not agree with the stated rejections and the characterization of the claims and teachings of the prior art made therein, and respectfully traverses said rejections. Applicant has herein amended independent claim 1 to further clarify the claimed invention and submits that it and the claims dependent therefrom, are patentable over the cited art.

In the cited reference Itoh, a position of a focal surface of an original read by using a contact glass 12 (flow reading) and a position of a focal surface of an original read by using a contact glass 24 (fixed reading) are different in a moving direction (sub-scanning direction or right and left direction in Fig. 2) of a carriage 14. However, the position of the focal surface of the original in the flow reading and the position of the focal surface of the original in the fixed reading are not different in a direction of an optical axis of a reading system, but they are positioned in substantially the same plane in the direction of the optical axis.

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Claim 1 as amended, on the other hand, recites an image reading apparatus comprising two different reading systems constituted by a first reading system in which an original is fixed on an original plate and an optical system scans the original to read image information, and a second reading system in which an optical system is fixed and image information is read while moving the original, where a second original illumination system, different from a first original illumination system that illuminates the original placed on the original plate, is arranged above a scan flow member used when reading image information while moving the original, an original convey device is formed to move the original above said second original illumination system, and wherein a focal surface of the original fixed on the original plate is positioned below said second original illumination system in a direction of an optical axis of said second original illumination system, and a focal surface of the original conveyed by the original convey device is positioned above the second original illumination system in the direction of the optical axis of said second original illumination system.

It is respectfully submitted that Itoh does not teach or suggest at least the above claimed characteristics of the present invention.

Therefore, the present invention as recited in each of the independent claims is clearly distinguishable from Itoh in at least the respects set forth above and is neither anticipated by nor rendered obvious in view of Itoh taken individually or in combination with other art of record.

New Claim 5

Claim 5 has been added to recite the claimed invention in an alternative manner. This claim recites similar features to those discussed above, and is accordingly believed to be allowable for at least similar reasons as stated for claim 1-4. Specifically, this claim recites, inter

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alia, that a position of a focal surface of the original fixed on the original plate and a position of a focal surface of the original conveyed by an original convey device are different in a direction of an optical axis of said second reading system, which characteristic is not within the teachings of Itoh.

Applicant has not independently addressed the rejections of the dependent claims. Applicant respectfully submits that because these claims directly or indirectly depend from the independent claims which are believed allowable as set forth above, such dependent claims are believed allowable for at least similar reasons as for the independent claims from which they depend. Applicant however, reserves the right to address any individual rejections of the dependent claims should such be necessary or appropriate.

Thus, Applicant respectfully submits that the claims as presented herein are allowable over the art of record, and respectfully request that the respective rejections be withdrawn.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested.

In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

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Applicant believes no extension of time is required for this filing. However, should an extension of time be necessary to render this filing timely, such extension is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1232-4794.

Respectfully submitted,
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Dated: August 11, 2005By: 

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